

REMARKS

This Application has been carefully reviewed in light of the Official Action issued February 14, 2008. Claims 1-7, 10-17, and 20-34 are pending in this Application. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 30 and 32-34 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Kostic, et al. '197. Independent Claim 30 recites ". . . receiving, at the wireless client, an association response from the selected wireless network access device, wherein the association response denies the association request and identifies at least one allowable wireless network access device; and transmitting, from the wireless client, an association request to one of the at least one allowable wireless network access device." By contrast, the portions of the Kostic, et al. '197 application cited by the Examiner fail to disclose any capability to include, in an association response from a requested access device denying an association request of a mobile station, an identification of at least one allowable wireless network device with which the mobile station may associate as required by the claimed invention. Therefore, Applicant respectfully submits that Claims 30 and 32-34 are not anticipated by the Kostic, et al. '197 application.

Claims 1-5, 12, 14, 15, and 25-27 stand rejected under U.S.C. 103(a) as being unpatentable over Whelan, et al, in view of Kostic, et al. '642 and further in view of Douglas, et al. The present Application has a filing date of June 30, 2003. The Douglas, et al. application has a filing date of October 1, 2004, after the filing date of the present Application. The Douglas, et al. application is a continuation-in-part (CIP1) of U.S. Application Serial No. 10/837,864 (CIP2) filed May 3, 2004, which is also after the

filing date of the present Application. Thus, applications CIP1 and CIP2 are not prior art with respect to the present Application. CIP2 is a continuation-in-part of U.S. Application Serial No. 10/212,193 (CIP3) filed August 2, 2002, which predates the filing of the present Application. However, the disclosure of CIP1 upon which the Examiner relies to support a rejection of the claims is not present in CIP3. Therefore, the Examiner has not cited a proper prior art document in supporting the rejections to the claims. Therefore, Applicant respectfully submits that Claims 1-5, 12, 14, 15, and 25-27 are patentably distinct from the proposed Whelan, et al. - Kostic, et al. '642 - Douglas, et al. combination.

Claims 6, 11, and 16 stand rejected under U.S.C. 103(a) as being unpatentable over Whelan, et al., in view of Kostic, et al. '642 and Douglas, et al. and further in view of Kostic, et al. '197. Independent Claim 1, from which Claims 6 and 11 depend, and Independent Claim 12, from which Claim 16 depends, have been shown above to be patentably distinct from the proposed Whelan, et al. - Kostic, et al. '642 - Douglas, et al. combination. Moreover, the Kostic, et al. '197 application does not include any additional disclosure combinable with the Whelan, et al., Kostic, et al. '642, or Douglas, et al. applications that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 6, 11, and 16 are patentably distinct from the proposed Whelan, et al. - Kostic, et al. '642 - Douglas, et al. - Kostic, et al. '197 combination.

Claim 13 stands rejected under U.S.C. 103(a) as being unpatentable over Whelan, et al. in view of Kostic, et al. '642 and Douglas, et al. and further in view of Hawkins, et al. Independent Claim 12, from which Claim 13 depends, has been shown above to be patentably distinct from the proposed

Whelan, et al. - Kostic, et al. '642 - Douglas, et al. combination. Moreover, the Hawkins, et al. patent does not include any additional disclosure combinable with the Whelan, et al., Kostic, et al. '642, or Douglas, et al. applications that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claim 13 is patentably distinct from the proposed Whelan, et al. - Kostic, et al. '642 - Douglas, et al. - Hawkins, et al. combination.

Claims 7, 17, and 29 stand rejected under U.S.C. 103(a) as being unpatentable over Whelan, et al. in view of Kostic, et al. '642 and Douglas, et al. and further in view of Islam, et al. Independent Claim 1, from which Claim 7 depends; Independent Claim 12, from which Claim 17 depends; and Independent Claim 25, from which Claim 29 depends, have been shown above to be patentably distinct from the proposed Whelan, et al. - Kostic, et al. '642 - Douglas, et al. combination. Moreover, the Islam, et al. application does not include any additional disclosure combinable with the Whelan, et al., Kostic, et al. '642, or Douglas, et al. applications that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 7, 17, and 29 are patentably distinct from the proposed Whelan, et al. - Kostic, et al. '642 - Douglas, et al. - Islam, et al. combination.

Claims 10, 20, 21, 23, and 24 stand rejected under U.S.C. 103(a) as being unpatentable over Whelan, et al. in view of Kostic, et al. '642 and Douglas, et al. and further in view of Islam, et al. and Kostic, et al. '197. Independent Claim 1, from which Claim 10 depends, and Independent Claim 12, from which Claims 20, 21, 23, and 24 depend, have been shown above to be patentably distinct from the proposed Whelan, et al. - Kostic, et al. '642, - Douglas, et al. combination. Moreover, the Islam, et al. and Kostic, et al. '197 applications do not

include any additional disclosure combinable with the Whelan, et al., Kostic, et al. '642, or Douglas, et al. applications that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 10, 20, 21, 23, and 24 are patentably distinct from the proposed Whelan, et al. - Kostic, et al. '642 - Douglas, et al. - Islam, et al. - Kostic, et al. '197 combination.

Claim 31 stands rejected under U.S.C. 103(a) as being unpatentable over Kostic, et al. '197 in view of Kostic, et al. '642. Independent Claim 30, from which Claim 31 depends, has been shown above to be patentably distinct from the Kostic, et al. '197 application. Moreover, the Kostic, et al. '642 application does not include any additional disclosure combinable with the Kostic, et al. '197 application that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claim 31 is patentably distinct from the proposed Kostic, et al. '197 - Kostic, et al. '642 combination.

CONCLUSION


Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments associated with this Application to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant



Charles S. Fish

Reg. No. 35,870

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CORRESPONDENCE ADDRESS:

2001 Ross Avenue, Suite 600

Dallas, TX 75201-2980

(214) 953-6507

Customer Number: 05073